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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional)
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First named inventor: Bruce Kernevisky

Application No.: 09/610,128

Art Unit: 3629

Filed: 07/05/2000

Examiner: OUELLETTE, JONATHAN P.

Title: Interactive Talking Electronic Cookbook

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872-9306

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**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

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**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

November 24, 2003  
Date

Bruce S. Kerievsky  
Signature

Telephone  
Number: 516-466-2872

Bruce S. Kerievsky  
Typed or printed name

7 Arrandale Avenue  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

Great Neck, NY 11024  
Address

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

12/1/3  
Date

Bruce S. Kerievsky  
Signature

Bruce S. Kerievsky  
Type or printed name of person signing certificate

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Response to Patent Office Action Summary for Application No. 09/610,128 from Bruce Kerievsky

I am not a patent attorney. So I may not be aware of various subtleties involved in deciding patentability. I have been advised by my previously retained and very experienced patent attorney that my invention is patentable and that the claim of obviousness is not valid.

My opinion that the Interactive Talking Electronic Cookbook is patentable is based primarily on the fact that its collection of features and capabilities differ markedly from all the prior art cited by the examiner. Each of the previous patents cited addresses only a couple of the characteristics of my invention. None offer or even suggest vocal interactivity, which is the essence of the Talking Cookbook. As the chart on the following page indicates, none of the supposedly prior art, even when combined, comes close to being a product that could talk a cook through the preparation of a meal. None even suggest working with multiple recipes at a time. The Brother International device that was mentioned is an electronic cookbook, albeit not a talking one.

It is the vocal interactivity that distinguishes my application, and I believe that it is a far from obvious conjunction of text-to-speech and voice recognition technologies precisely to help the home cook prepare meals that makes this invention unprecedented. Every invention is based on prior observation and art. Einstein interpreted well-documented phenomena in unexpected and possibly producing ways. It is how existing technology is combined and the new capabilities that are enabled by its creator's vision that make an invention both not obvious and unique. Finally, it is the preponderance of features explicitly present to talk the cook through meal preparation, and never present or suggested by any other prior patent, that makes this application worthy of a patent.

I am available to discuss this application at: 516-466-2872.

Sincerely yours,

*Bruce S. Kerievsky*  
Bruce S. Kerievsky



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OFFICE OF PETITIONS

Response to Patent Office Action Summary for Application No. 09/610,128 from Bruce Kerievsky

The Patent Office has been unable to appreciate the novelty of the patent application. For the first time, it introduces a method of providing detailed instructions to a home cook such that cooking can proceed as an audible dialogue between the cook issuing and requesting voice responses from the interactive, talking, electronic cookbook about the next ingredient or the next step in assembling the recipes being worked on. This saves the cook time in walking to a cookbook, finding his or her place in the current recipe, flipping back and forth between recipes if multiple dishes are being prepared, reading and remembering the details of what comes next, and moving back to the place where the next step is being executed. The cook wears a wireless microphone and the cookbook has both a port to receive that input and speakers to issue instructions that together enable two-way vocal communication. None of the cited patents address these innovative capabilities.

To facilitate a clearer understanding of the significance of conjoining existing technologies with a fully elaborated recipe data structure (a veritable template for future cookbook creators to conform to) to create a previously unavailable level of control for the home cook, we have prepared the following comparison chart showing the capabilities of the various referenced patents.

Comparison of Patent Characteristics

	DeGiorno restaurant menu	Carmean Microwave Oven cooking	Neuhaus Recipe Encyclopedia	Kolowa Electronic Maid	Kerievsky Interactive Talking Cookbook
Patent Characteristics					
Detailed Cooking Instructions	No	Limited by Device	Yes	Yes	Unlimited
User Developed Text-to-speech	No	No	No	No	Yes
Cook's Voice Recognition controlling cookbook's response	No	No	No	remotely for non-cooking instructions	Yes
Cook's ability to edit/update recipes	Minimal	No	No	Unspecified	Yes
Scaling Ingredients by portions needed	No	Single Ingredient	No	No	Yes
Interactive by Ingredient and cooking step	No	No	some; non-vocal control	No	Yes
Cooking multiple recipes at one time	No	No	No	No	Yes